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Attachment A Hereto*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DEFENDANTS LISTED ON ATTACHMENT A
HERETO,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. Nos. Listed on
Attachment A Hereto

NOTICE OF REQUEST TO DEPOSE BERNARD L. MADOFF

In accordance with the Notice to Defendants Establishing Deadline to File Requests to Depose Bernard L. Madoff (the “Notice”) (Dkt. No. 13786) filed on July 22, 2016 by Irving H. Picard, Trustee (the “Trustee”) for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the Estate of Bernard L. Madoff, the Defendants identified on Attachment A hereto, represented by Milberg LLP and Seeger Weiss LLP (the “Milberg/Seeger Weiss Defendants”), hereby submit this Notice of Request to Depose Bernard L. Madoff.

THE BASIS FOR DEFENDANTS’ REQUEST

1. Each of the Milberg/Seeger Weiss Defendants is a “good faith” defendant – *i.e.*, the Trustee has not alleged any knowledge of fraud or lack of good faith on the part of any of the Milberg/Seeger Weiss Defendants.

2. The Milberg/Seeger Weiss Defendants provide the following information as required pursuant to the Notice:

(a) The names of the defendants and the adversary proceeding number(s) in which the deposition is sought. The names of the Milberg/Seeger Weiss Defendants, and the adversary proceeding numbers in which the deposition of Mr. Madoff is sought, are identified on Attachment A hereto.

(b) The specific areas of inquiry for the deposition. The Milberg/Seeger Weiss Defendants seek to examine Bernard L. Madoff on the following specific areas of inquiry:

(i) the proportion and division of legitimate and illegitimate activities of Madoff's operations, including, *inter alia*, when Mr. Madoff and/or BLMIS began operating a “Ponzi” scheme; and

(ii) the record-keeping processes and procedures of each unit of BLMIS's operations.

(c) The relevance of the specific areas of inquiry to the respective adversary proceeding(s). The specific areas of inquiry identified above are relevant to each of the adversary proceedings identified on Attachment A. Mr. Madoff's testimony concerning the proportion and division of legitimate and illegitimate activities of Madoff's operations is relevant, as such testimony may contradict the Trustee's assertions that no portions of the funds deposited by the Milberg/Seeger Weiss Defendants in their BLMIS accounts were used for legitimate trading activity. Mr. Madoff's testimony concerning the record-keeping processes and procedures of each unit of BLMIS' operations is relevant, as such testimony may provide the Milberg/Seeger Weiss Defendants with information about the existence and location of documents which may contradict certain of Trustee's factual contentions and/or support the defenses that the Milberg/Seeger Weiss Defendants have asserted or will assert in their respective adversary proceedings.

3. If the Court grants the instant request to depose Mr. Madoff, counsel for the Milberg/Seeger Weiss Defendants will endeavor to coordinate with the other counsel for "good faith" defendants who have been granted permission to depose Mr. Madoff, in order to foster coordination and efficiency and to avoid duplicative questioning of Mr. Madoff.

4. As stated above, the Milberg/Seeger Weiss Defendants are seeking to depose Mr. Madoff in order to bolster their own defenses. They have no interest in discovery with respect to Jeffrey Picower and would agree to appropriate restrictions regarding the examination of Mr. Madoff concerning Mr. Picower.

5. The Milberg/Seeger Weiss Defendants, and their counsel, will respect all existing confidentiality requirements that apply to the deposition testimony of Mr. Madoff.

CONCLUSION

For the reasons stated herein, the Milberg/Seeger Weiss Defendants respectfully request that they be granted the opportunity to depose Mr. Madoff on the specific areas of inquiry identified above.

Dated: August 5, 2016

Respectfully submitted,

/s/Joshua E. Keller

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A Attached Hereto*

ATTACHMENT A

<u>Case Name:</u>	<u>Adv. Proc. No.:</u>
<i>Picard v. Gary Albert</i>	10-4966-SMB
<i>Picard v. Aspen Fine Arts Co.</i>	10-4335-SMB
<i>Picard v. Gerald Blumenthal</i>	10-4582-SMB
<i>Picard v. Norton A. Eisenberg</i>	10-4576-SMB
<i>Picard v. The Estate of Ira S. Rosenberg, et al.</i>	10-4978-SMB
<i>Picard v. Stephen R. Goldenberg</i>	10-4946-SMB
<i>Picard v. Potamkin Family Foundation I, Inc.</i>	10-5069-SMB
<i>Picard v. Harold A. Thau</i>	10-4951-SMB